



SCHOOL-BASED DECISION MAKING

Frequently Asked Questions

**Kentucky Department of Education
Office of Next Generation Schools and Districts
Division of Consolidated Plans and Audits**

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What is the School-Based Decision Making (SBDM) statute?

The guidelines for schools and districts related to school-based decision making can be found in [KRS 160.345](#). Below are the individual sections listed in the statute:

Section 1:

- Definitions

Section 2:

- District Policies
- Conflict of Interest
- Elections and Terms of Office
- Minority Membership
- School Council Responsibility
- School Council Policy on Committees
- School Councils and Open Meetings
- Number of Persons in Each Job Classification Decision
- School Council Allocations
- Consultation on Personnel and Principal Selection
- School Council Required Policies
- Annual Review of Student Performance

Section 3

- School Budget and Administration
- Assessment and Reporting of Student Progress
- Guidelines for School Improvement Plans
- Guidelines for School Professional Development Plans
- Guidelines for Parent, Citizen and Community Participation
- School Councils and Collaboration
- Waivers of District Policies
- Record-Keeping
- Appeal of School Council Decision

Section 4

- Additional Authority to School Councils and Liability Insurance

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- Implementation of and Exemption from SBDM

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- Professional Development Activities

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- Alternative Models of SBDM

Section 8

- State Board Regulation to Establish School Allocation

Section 9

- Penalties for Circumventing SBDM (Patterns of Practice)

Section 10

- Transfer of School Council Authority

Section 11

- Wellness

What are other statutes and regulations that may impact SBDM?

[KRS 61:810](#) – Open Meetings

[KRS 61:815](#) – Conducting Closed Session

[KRS 61:820](#) – Schedule of Regular Meetings

[KRS 61:823](#) – Special Meetings

[KRS 61:835](#) – Minutes of Meetings

[KRS 156:132](#) – Removal or Suspension of Public Officers

[KRS 157:360](#) – Base Funding Formula

[KRS 158:030](#) – Definition of Common School

[KRS 158:031](#) – Primary School Program

[KRS 158:060](#) – Non-Teaching Time for Teachers

[KRS 158:102](#) – Requirement of a Library Media Specialist

[KRS 158:150](#) – Suspension or Expulsion of Students

[KRS 158:181](#) – Religious Liberty for Students

[KRS 158:645](#) – Requirement for Students in Public Education

[KRS 158:6451](#) – Model Curriculum Framework

[KRS 158:6453](#) – Assessment of Achievement Goals

[KRS 158:649](#) – Achievement Gaps

[KRS 160:346](#) – Persistently Low Achieving Schools

[KRS 160:347](#) – Removal of School Council Members

[KRS 160:348](#) – Advanced Placement Options

[KRS 160:380](#) – Definition of Relative and Criminal Background Checks

[702 KAR 3:246](#) – School Council Allocation Formula
[703 KAR 4:040](#) – Successful Completion of Primary Program
[703 KAR 5:001](#) – Assessment and Accountability Definitions
[703 KAR 5:010](#) – Writing Portfolio Procedures
[703 KAR 5:120](#) – Assistance for Schools
[704 KAR 3:440](#) – Primary Program Guidelines

ELECTIONS

1. What does the statute say about SBDM elections?

A basic school council consists of three teachers, two parents and the school principal. Teacher representatives are elected by teachers, and parent representatives are elected by parents.

2. How many votes are required to be elected to a school council?

Teachers must be elected by a majority vote (i.e., one more vote than half) of all teachers assigned to the building. Parents are elected to the council by plurality vote (i.e., the candidate with the most votes).

Teacher election example: In a school with 50 eligible teachers, the teacher must receive 26 votes in order to be elected as a teacher representative.

Parent election example: Five parents are on the ballot for parent representative on the school council. Fifty parents vote during the open election time. Candidate A gets 10 votes; Candidate B gets 8 votes; Candidate C gets 5 votes; Candidate D gets 15 votes; and Candidate E gets 12 votes. Candidate D and Candidate E are elected as parent representatives on the school council.

3. What are the guidelines for absentee balloting?

Teachers and parents may establish absentee balloting procedures. The Kentucky Board of Elections does not recognize telephone, e-mail or fax as official methods of voting. Voting must be done in person.

4. What about our school council's bylaws on elections?

The Kentucky Department of Education (KDE) and the Office of Education Accountability (OEA) recommend that school councils remove election procedures for teachers and parents from their bylaws. Teachers and parents should establish their own written election procedures.

5. What is the principal's role in elections?

Other than conducting the election for the minority teacher and parent representative in the event the school is required to conduct such an election, principals are not given a role by statute in school council elections. Principals can assist the teachers or parents, if requested to do so, with logistics (e.g., opening the building, providing space in the building, assisting parents and/or teachers with communicating election meeting times and dates). Principals should not be involved

in setting or monitoring election procedures, nominations, balloting or counting votes.

6. What election documentation should be retained and why?

Ballots and any other documentation must be retained from the election in case of the event of a challenge to the election. In the event that multiple balloting attempts were required, all ballots must be kept separate. Documentation of the election should be submitted to the principal following the election and should be stored in a secure location. The principal is the custodian of records for the school and must keep the official records from the parent and teacher elections for at least three years.

7. How long is a school council member's term of service once elected?

The school council will determine the length of the terms of service. A school council, once elected, may adopt an operating procedure or bylaw establishing terms of service for parent and teacher representatives subsequently elected. The new terms will not apply to the council that establishes them.

If a council vacancy occurs during the term of office, an election should be held to fill the vacancy. An important reminder is that this election is to fulfill the term, not a full "year-long" term.

8. How and when can a school council member be removed from office?

A school council member could be recommended for removal due to interference with the implementation of SBDM. Any measure included in the council bylaws or policies must be consistent with this process. School council members may resign from the council at any time. Vacancies created through resignation will be filled through the election process.

9. What is the definition of relative?

A relative, as defined in statute, includes father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law and daughter-in-law.

TEACHER REPRESENTATIVE

10. Who is eligible to run for teacher council representative?

All certified staff (as defined by the Education Professional Standards Board [EPSB]) in the school, including itinerant teachers, part-time teachers, counselors and library media specialists, are eligible to serve on the school council and to vote in a school council election.

11. What procedures should be followed for teacher elections?

The teachers assigned to the school determine and carry out the procedures that will be followed in their school for electing teacher representatives to the council. Excluding timelines, KDE recommends that this process not be included in the council bylaws and/or policies. This process should address, but is not limited to, the following:

- Nomination Process (How will persons be nominated? What will the timelines be? How will the ballot be prepared once nominations are made?)
- Voting (How will the voting process take place and under what time frame? How will ballots be secured? How will the election be monitored? How will candidates be notified of the results? How will "tie votes" and candidates not receiving a majority of all the eligible votes be handled? Will absentee ballots be accepted, and how will those be handled in the case of a runoff?)
- Vacancies (What are the procedures of notification and voting for vacant positions?)

Teacher election procedures should be well-written and contain details for occurrences such as ties, absentee balloting, voting times, dates and locations.

12. What if a non-tenured teacher is elected to the school council?

A non-tenured teacher, one who has not been guaranteed a position for the next school year, may be nominated and run for school council. If the teacher should win, that does not guarantee him or her a teaching position for the next school year. Depending on the terms of the council service, any teacher that is not employed after June 30 (the end of most limited teachers' contracts) is no longer an employee in the school. This will place a vacancy on the council.

13. Can a teacher with a child in his or her school run for school council?

A teacher who has a child as a student at the school where he or she teaches may only serve as a teacher representative on the school council and not as a parent representative.

14. Can teachers who are retiring and/or transferring schools vote in school council elections?

A teacher that is retiring and/or transferring schools at the end of the school year can vote in teacher elections. Any teacher employed at the school on the day of the elections may vote in those elections.

15. Can a school counselor serve on a school council?

The school counselor is classified as a teacher for the purposes of SBDM in a school. The counselor may vote in teacher elections as well as run and serve on the school council as a teacher representative.

16. Can a teacher on leave of absence vote in school council elections?

While a teacher is on leave of absence, the teacher is considered a school district employee and is not eligible to participate in school council elections. A teacher in a leave of absence status would not be assigned to a particular position or school and therefore would not be included in the total number of staff assigned to the building for the purpose of electing a teacher representative.

PARENT REPRESENTATIVE

17. Who is eligible to run for parent school council representative?

To be eligible to serve on the school council, parent candidates must have a student enrolled or preregistered to attend the school for the year they will be serving on the school council. The candidate must be a parent, stepparent, foster parent or a person who has legal custody of a student pursuant to a court order and with whom the student resides. The candidate cannot be an employee of the school in which the parent representative vacancy occurs or be a local board member or spouse.

If a parent is a bus driver or substitute teacher, he or she may continue to serve the district in that capacity while running for school council. If the parent is elected to

the school council, he or she may not work in the school where he or she serves as the parent representative on the school council.

18. What procedures should be followed for parent elections?

A parent organization of the school should conduct the election for parent representatives to the school council. If no parent organization exists, then the largest organization of parents formed for this purpose will conduct elections. The parent organization should determine procedures for the election proceedings. Excluding timelines, KDE recommends that this process not be included in the council bylaws and/or policies. In determining procedures for elections, the organization should consider, but is not limited to, procedures for the following:

- Nomination Process (How will persons be nominated? What will the timelines be? How will the ballot be prepared once nominations are made?)
- Voting (How will the voting process take place and under what time frame? How will ballots be secured? How will the election be monitored?)
- How will candidates be notified of the results? How will "tie votes" and candidates not receiving a majority of all the eligible votes be handled? Will absentee ballots be accepted, and how will those be handled in the case of a runoff?)
- Vacancies (What are the procedures of notification and voting for vacant positions?)

19. Can a parent volunteer in the school serve as a parent representative on the school council?

If the parent is a volunteer in the school, he or she may serve on the school council as a parent representative. If the parent is paid for volunteering, even if it is a one-time stipend, he or she is considered an employee and may not serve as parent representative at the school.

20. Can both parents serve as parent representatives on a school council?

Both parents may serve as parent representatives on the same school council.

MINORITY REPRESENTATIVE

21. What is the definition of “minority”?

A minority is defined as: American Indian; Alaskan native; African-American; Hispanic, including persons of Mexican, Puerto Rican, Cuban and Central or South American origin; Pacific Islander; or other ethnic group underrepresented in the school.

22. Who conducts the election for additional minority members?

The principal is responsible for conducting elections for additional minority members. The statute gives specific guidance to the principal about how to do the special elections for an additional parent and teacher representative.

23. What if I have a minority child, but I am a non-minority parent?

The candidate who wishes to be elected to the school council as a minority representative on the school council must be the minority. However, if a person declares himself/herself a minority, he or she should be considered so for the purpose of fulfilling the requirements of minority council member.

24. When must a school have an election for minority representatives?

If a school has 8 percent or more minority enrollment as of the October 1 preceding the initial parent or teacher election, the school must have minority representation on the school council. If a minority member is elected to the school council in the initial parent or teacher elections, or if the principal is a minority, then the school council is not required to elect additional minority members. Otherwise, an additional election to select a minority parent and a minority teacher must be held. A minority member cannot be appointed; there must be documentation of an election.

An election for minority representation will result in an increase from six members to eight on a single council. This does not require an Alternative Model application to be filed.

25. What if only one minority teacher is employed in a school?

If only one minority teacher is on staff, teachers must select and offer the position. The minority council member may remain on the council until the next election. If the only minority teacher is unavailable or unwilling to serve on the council, the

position is listed as vacant. A non-minority teacher cannot be substituted to serve as a minority representative.

26. What if no minority teachers are members of the school staff in a school with 8 percent or more minority student population?

An additional faculty member shall be elected by a majority of all the teachers as a representative of the minority population.

COUNCIL MEMBER TRAINING AND TRAINING VERIFICATIONS

27. What annual training is required of school council members?

School council members elected for the first time must complete a minimum of six hours of training in the process and implementation of SBDM. School council members who have served on a school council at least one year must complete a minimum of three hours of training.

28. When should school districts submit SBDM training verifications?

School districts are required to submit to KDE required training verification for each school council member by November 1 of each year.

29. Who can conduct school council member trainings?

School council training must be conducted by trainers endorsed by KDE. A list of endorsed trainers can be located on the [KDE SBDM website](#).

MEETINGS

30. What are the requirements for regularly scheduled school council meetings?

All school councils must adhere to all open-meeting requirements which state:

- Each agency sets its own regular meeting schedule.

- The schedule must list the dates, times and places of the regular meetings.
- The schedule must be available to the public.

[Your Duty Under the Law](#), posted on the [KDE SBDM website](#), explains the procedural and substantive provisions of the Open Meetings Act and the Open Records Act. The Office of the Attorney General distributes this written information to assist public officials of Kentucky in complying with the Open Meetings and Open Records Acts.

31. Does the Open Meetings statute apply to school councils and committees?

Kentucky's Open Meetings statute protects the general public's right of awareness to public agency actions. Therefore, this statute applies to school councils and their committees. The Open Meetings statute applies whenever a majority is present and public business is discussed even if no action taken.

32. When is a closed session of the school council allowed?

A closed session is allowed to discuss actual or potential litigation or to discuss candidates during consultation or principal selection. A school council may not go into closed session for any other reason. All other business of the school council must be held in open session.

Certain procedures should be followed when entering closed session. The school council must always start in open session, giving notice and rationale for entering closed session. A motion must be made, seconded and approved to enter into closed session. While in closed session, no action may be taken. The topic may be discussed thoroughly, and the council members' positions may be determined via this discussion; however, no decision shall be made in closed session. In closed session, no subject may be discussed other than the ones publicly announced prior to convening the closed session. Minutes should not be taken during closed session. The school council must reconvene to open session to make a decision. Any action taken must occur during the open meeting. A formal motion, second and action must be recorded in the minutes and made available to the public.

33. What are the requirements for special-called meetings?

Occasionally, special-called meetings of the school council are necessary and may be called following these procedures:

- The chairperson or a majority of school council members can call a special meeting that is not on the regular schedule.
- Written notice must state the date, time, place and agenda for the special meeting.

- The written notice must be sent to all school council members by fax, mail or hand delivery 24 hours in advance, as well as posted at the school and sent to media if they have requested to receive it

34. Do all council members have to agree unanimously for consensus to be reached?

Consensus, by definition, is a general agreement. Consensus is not compromise, but rather an opinion where all can find some balance or agreement. To have consensus in a school council meeting does not necessarily mean that all share the same complete opinion about the decision, but rather that they can agree to abide within the decision.

RECORDKEEPING

35. What are the requirements for school council minutes?

Minutes must be kept at all school council meetings. The minutes must describe motions and actions taken and be distributed in draft form to each school council member as soon as possible following the meeting as well as being distributed to school stakeholders. “Draft” should be written on them until approved by the council. The minutes must be approved at the next meeting. Immediately after the approval, the minutes must be made available to the public.

36. What types of records are school councils required to retain?

School councils are required to maintain and retain records. The Kentucky Department for Libraries & Archives (KDLA) has established a records retention schedule for public school districts. School councils must retain permanent records. Some school council records may be disposed of some records on a rotating basis. A complete list is available on the [KDE SBDM website](#).

37. How can the public obtain school council records?

All school councils and school council committee documents are public documents subject to Open Records requirements. All school council documentation must be kept on file at the school to meet Open Records requirements.

A procedure should be in place, through bylaws or operational procedures, to facilitate requests for school council and school council committees' records. These procedures should include, but not be limited to, the following:

- how full public access of records can be obtained

- means to determine how requests for records will be made
- means to ensure efficient and timely action to respond to requests
- times records can be viewed
- title and address of the official custodian of the records
- fees to be charged (if any) for the copies of the records

38. What happens to the school council records of schools that have closed or consolidated?

The school council records of schools that have closed or consolidated must be archived in a secure location, usually at the board of education offices. All school council minutes, committee minutes, official correspondences, budget allocations, bylaws, policies, annual school reports and annual financial audit reports are permanent records.

CONSULTATION AND JOB CLASSIFICATIONS

39. What is consultation?

Some of the most important decisions that a school council will make or consider relate to issues about personnel. Any personnel decision, outside selecting a principal, must be consulted with the school council. Consultation is by definition a time to seek advice and information. Selection of personnel by the principal is completed after consultation with the school council.

Consultation is a required policy for school councils. This policy should address how and when consultation will take place. Other items include timelines for personnel selection, interview guidelines, a review of applications and a review of references. The consultation policy also must address situations where consultation can occur if a quorum of the school council is unavailable.

40. What are the March 1 allocations?

School districts, by regulation, are required to provide school councils a tentative allocation of funds for the next budget year by March 1, with a final allocation by May 1, each year. The staffing allocation includes the number of positions the school will be given. These regulatory allocations include all certified and classified positions that are determined by the base funding formula, which includes maximum class caps. Additionally, the allocation contains instructional and professional development funds for the school.

41. What is the maximum class size formula?

The maximum class size formula is set in Kentucky statute. Each school is allocated staff based on the following ratios:

- **Primary:** 24:1
- **4th grade:** 28:1
- **5th - 6th grade:** 29:1
- **7th - 12th grade:** 31:1; *however, a teacher cannot have more than 150 pupil hours in a day.*
- **Kindergarten instructional assistants:** 24:1
- **one instructional leader** (principal)
- **library media specialist** (may be shared between two or more schools)

42. Can a school council waive maximum class size?

Any school council can waive the maximum class size once it has received its staffing allocation from the district, which is based on the statutory class size formula. The term in statute, "... except for those schools which have implemented school-based decision making," can be a bit confusing for school councils. The district funds positions; the school council determines the job classification for each of those positions.

Class cap size is most questioned when it refers to primary grades. Due to Kentucky's Primary Program statute, primary grades are considered ungraded. Allocations from a district are based on the premise of an ungraded program. If a school council decides to have a graded program (i.e., kindergarten, grade 1, grade 2 and grade 3), then classes may appear to be over cap size when in reality they are not.

43. What can the council decide and not decide about positions in the school?

Once the number of positions is received from the district office, the school council determines the number of persons to be employed in each job classification. The school council should look at its student population changes and needs assessment each year to determine the number of spaces, not persons in the position, needed in each job classification. School councils cannot recommend transfers or dismissals.

If the school council determines that it does not need the total number of positions allocated by the district's staffing allocation formula, it may ask the district to redistribute those positions. In so, the district would distribute 95 percent of the average certified teacher's salary to the school in lieu of a certified position. The

remainder of the money would revert to the district general fund for possible reallocation.

A school council also may ask that a position be created by the district using the school council allocation funds commonly referred as Section 6 monies. If the council has the funds for a position, the district may grant the request.

PRINCIPAL SELECTION

44. What is the role of the school council in selecting a principal?

Principal selection can be one of the most difficult tasks for a school council. The SBDM statute sets specific requirement for school councils.

- The outgoing principal cannot serve on the school council during the principal selection process.
- The superintendent, or designee, serves as the chairperson of the school council during the principal selection process and has full voting rights.
- The school council must have access to all qualified applicants for the principal position.
- If the principal has been removed from any position in the district, that person cannot be considered a candidate.
- The school council must receive specific principal selection training prior to beginning the principal selection process. The school council selects the trainer.
- If the principal vacancy is in a school deemed low-performing, and a scholastic audit has found the school council and principal as ineffective, as determined by KRS 158.6455, the superintendent appoints the principal after consultation with the school council.

45. What if a school council member (either a teacher or parent representative) applies for the principal vacancy?

If a teacher or parent representative from a school council applies for a position of principal within the school, it is best practice that he or she resign from the school council. If the council representative resigns, the appropriate constituency (i.e., teachers or parents) will have the opportunity to hold elections. If the council representative decides to remain on the school council, he or she must recuse him- or herself from the entire principal selection process, including the school council's discussions concerning the vacancy, review of the applications, interview questions and interview schedule.

BUDGETS

46. Must the school council have a budget policy?

The SBDM statute does not explicitly require a budget policy; however, the statute does require the school council to make budget decisions. It is best practice for the school council to have procedures for budgets and allocations. This may be in the form of a policy.

These budget procedures should include:

- the process for determining the number of personnel in each job classification
- the selection of textbooks and instructional materials
- the determination of student support services
- the determination and selection of staff professional development

47. How often should school councils review school funds?

School councils should be provided with monthly financial reports that reflect amount budgeted. These can be budgets created at the school level or use MUNIS budgets and expenditure forms from the district. However, if MUNIS forms are used, principals should not just hand these to school council members, but explain the headings and the codes for understanding.

The school council's review of funds also should include an evaluation of school activity funds. School councils are responsible for school activity funds and should ensure all organizations manage school activity funds according to state standards. These standards are outlined in *Accounting Procedures for School Activity Funds Handbook*, commonly referred to as *The Redbook*.

48. Who decides how the school's professional development money is spent?

The school council aligns with the school improvement plan in determining how the school's professional development (PD) allocation will be spent. The district monitors PD spending to ensure that allowable expenditures are aligned to identified needs assessment and school improvement.

49. Must the school council follow a specific process in approving the school budget?

While the requirements of the statute stipulate the school council must determine how the funds are utilized, it does not suggest that others may not be involved in

the process for determining how school-allocated funds are distributed. Several options for councils to consider when fulfilling this responsibility include:

- The school council may complete the budget once input has been gathered from the school community. Once final, the school council formally adopts the budget.
- The school council may assign the task to the budget committee. The budget committee may gain input from the school community and does the actual calculations for the development of the budget. Once final, the budget is submitted from the budget committee for approval by the school council.
- The principal may complete the budget after gaining input from the school community. Once final, the principal must present the proposed budget to the council for approval.

As with any proposal put before the school council, the school council may engage in discussion, and the proposed budget may be modified before it is actually adopted.

The process your school council follows should be consistent with the school council budget procedures. Additionally, the budget development process should take into account the school improvement planning process. Connections should be made between the school improvement plan and the school budget.

50. Must councils approve every school purchase?

School councils are not required to approve every purchase within the school.

IMPROVEMENT PLANNING

51. What must be included in the school improvement plan?

The school council is responsible for the content of the school improvement plan. However, school councils should follow the specifics of the district's planning policies, including details regarding format, timelines and cycles. The legal basis for planning should be incorporated into the district's planning policy and procedures.

For Title I schools that are in improvement, corrective action or restructuring status, the school council must include as part of its planning process the requirements based on school status. This may include Title I professional development fund set-aside, intensive district interventions and creating and implementing a restructuring plan that may include alternate school governance.

52. What is the school council's responsibility for setting achievement gap targets?

By November 1 of each year, the school council must receive achievement data from KDE and the district. The school council, with the superintendent, will set biennial targets for each school for reducing the identified achievement gaps. Each year, the school council must review these targets and include them as part of the improvement planning process, setting a timetable for eliminating the achievement gaps.

The improvement plan should include:

- curriculum alignment
- evaluation and assessment strategies
- professional development
- parental involvement
- attendance improvement and dropout prevention
- technical assistance needed

If the district determines that the school is not meeting its achievement gap target, then the school improvement plan must be submitted to the superintendent for approval.

53. Must school plans be available for public review every year after revisions?

The principal must conduct a public meeting to present the school improvement plan prior to submitting to the district or superintendent for review and approval. These public meetings can be in conjunction with other school council meetings or as special-called meetings.